

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3853

IN THE MATTER OF:

Served November 25, 1991

Application of CAPITOL)
ENTERTAINMENT SERVICES, INC., for)
a Certificate of Authority --)
Irregular Route Operations)

Case No. AP-91-34

By application accepted for filing on October 16, 1991, Capitol Entertainment Services, Inc. (CES or applicant), a District of Columbia corporation, seeks a Certificate of Authority to transport passengers, together with mail, express and baggage in the same vehicles as passengers, in irregular route operations between points in the Metropolitan District.

By Order No. 3832, served October 18, 1991, notice of this application was given, and CES was directed to publish further notice in a newspaper. Order No. 3832 also directed CES to file an affidavit of publication, and CES complied. This application is unopposed.

SUMMARY OF EVIDENCE

CES proposes to initiate operations using two leased vehicles each having a manufacturer-designed seating capacity in excess of 15 passengers. Applicant's proposed tariff contains rates for hourly service, for transfer service, and for individually-ticketed sightseeing tours.

CES's application includes among other things, information regarding its corporate status, facilities, driver qualifications and training practices, and vehicle maintenance arrangements.

Applicant's president certifies on CES's behalf that it has access to, is familiar with, and will comply with the Compact, the Commission's rules and regulations, and United States Department of Transportation regulations relating to safe transportation of passengers for hire.

CES filed a balance sheet as of August 31, 1991, showing current assets of \$132,434 and net fixed assets of \$58,098. Current liabilities are shown as \$8,487, long-term liabilities as \$64,677, and total equity as \$117,368. CES's operating statement for the twelve months ended August 31, 1991, shows total operating income of \$163,023, including WMATC operating income of \$130,419 pursuant to temporary authority, and net income of \$54,186. CES's projected operating statement for the first twelve months of operations under WMATC certificated authority shows total operating income of \$668,400, including WMATC operating income of \$601,560, and net income of \$106,508.

The application indicates that applicant's president is its sole shareholder. It is certified that neither CES nor any person controlling, controlled by, or under common control with CES has any relationship with a carrier other than CES.

DISCUSSION AND CONCLUSIONS

This case is governed by the Compact, Title II, Article XI, Section 7(a) which provides in relevant part that:

. . . the Commission shall issue a certificate to any qualified applicant, . . . if it finds that --
(i) the applicant is fit, willing, and able to perform that transportation properly, conform to the provisions of this Act, and conform to the rules, regulations, and requirements of the Commission; and
(ii) that the transportation is consistent with the public interest.

Based on the evidence in this record, the Commission finds CES to be fit, willing, and able to perform the proposed transportation properly and to conform with applicable regulatory requirements. It is further found that the proposed transportation is consistent with the public interest.

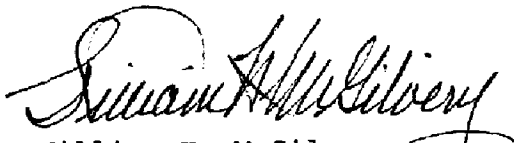
THEREFORE, IT IS ORDERED:

1. That Capitol Entertainment Services, Inc., is hereby conditionally granted, contingent upon timely compliance with the requirements of this order, authority to transport passengers, together with mail, express and baggage in the same vehicles as passengers, in irregular route operations between points in the Metropolitan District.

2. That Capitol Entertainment Services, Inc., is hereby directed within 30 days of the date of this order or such additional time as the Commission may direct or allow, to file (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 3623; (b) three copies of its tariff(s) in accordance with Regulation No. 55; (c) an equipment list stating the year, make, model, serial number, vehicle number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) evidence of ownership or a lease as required by Commission Regulation No. 62 for each vehicle to be used in revenue operations; (e) its official business address as discussed in Regulation No. 68; and (f) an affidavit of identification of vehicles pursuant to Commission Regulation No. 61, for which purpose WMATC No. 193 is hereby assigned.

3. That upon timely compliance with the requirements of the preceding paragraph and acceptance of the materials required by the Commission, Certificate of Authority No. 193 shall be issued to Capitol Entertainment Services, Inc., as appended to this order.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS DAVENPORT, SCHIFTER, AND SHANNON:



William H. McGilvery
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

CERTIFICATE OF AUTHORITY

NO. 193

Capitol Entertainment Services, Inc.

By Order No. 3853 of the Washington Metropolitan Area Transit Commission issued November 25, 1991;

WHEREAS, the above-named carrier is entitled to receive authority to transport passengers within the Washington Metropolitan Area Transit District;

THIS CERTIFICATE OF AUTHORITY is hereby issued to the named carrier as evidence of the authority to engage in the for-hire transportation of passengers by motor vehicle; subject, however, to such terms, conditions, and limitations as are now, or may hereafter be, attached to the exercise of the privilege granted to the named carrier:

IRREGULAR ROUTES, transporting passengers, together with mail, express and baggage in the same vehicles as passengers, between points in the Washington Metropolitan Area Transit District;

RESTRICTED TO operations conducted according to the named carrier's applicable tariff on file with the Commission; and

RESTRICTED AGAINST (1) transportation solely within the Commonwealth of Virginia and (2) any passenger transportation for hire on an individual fare paying basis in competition with any existing, scheduled, regular-route, passenger transportation service performed by, or under a contract with, the Federal Government, a signatory to the Compact, a political subdivision of a signatory, or the Washington Metropolitan Area Transit Authority.

THIS CERTIFICATE OF AUTHORITY DOES NOT AUTHORIZE ANY TRANSPORTATION BY ANY PERSON OTHER THAN THE CARRIER NAMED HEREON.

THIS CERTIFICATE OF AUTHORITY IS NOT VALID UNLESS THE CARRIER NAMED HEREON IS IN COMPLIANCE WITH THE INSURANCE REQUIREMENTS OF THE COMMISSION.

IT IS A FURTHER CONDITION of this certificate of authority that the carrier named hereon shall (a) provide safe and adequate transportation service, equipment, and facilities and (b) observe and enforce Commission regulations.